

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF WEST VIRGINIA

FILED

JUN 18 2019

U.S. DISTRICT COURT  
ELKINS WV 26241

UNITED STATES OF AMERICA,

v.

AMBER L. BROWN,  
RODRIQUIES M. EVANS and  
DOMINIC O. MCCALL  
Defendants.

Criminal No. 5:19cr27 (stamp)

Violations: 18 U.S.C. § 2  
21 U.S.C. § 841(a)(1)  
21 U.S.C. § 841(b)(1)(C)  
21 U.S.C. § 846

INDICTMENT

The Grand Jury charges that:

COUNT ONE

(Conspiracy to distribute and to possess with the intent to distribute controlled  
substances)

Beginning in or about July of 2018, the exact date being unknown to the grand jury, and continuing to on or about the day of the indictment, in Wetzel County, in the Northern District of West Virginia, and elsewhere, the defendants **AMBER L. BROWN, RODRIQUIES M. EVANS and DOMINIC O. MCCALL**, and other persons known and unknown to the grand jury did unlawfully, knowingly and intentionally combine, conspire, confederate, agree and have a tacit understanding to violate Title 21, United States Code, Section 841(a)(1). It was a purpose and object of the

conspiracy to possess with the intent to distribute and to distribute controlled substances, that is, methamphetamine; in violation of Title 21, United States Code, Sections 846 and 841(b)(1)(C).

**COUNT TWO**

(Use of a communication facility to facilitate a drug offense)

On or about November 24, 2018, in Marshall County, in the Northern District of West Virginia, and elsewhere defendants **RODRIQUES M. EVANS** and **DOMINIC O. MCCALL** knowingly and intentionally used a communication facility in committing and in causing and facilitating the commission of an act constituting a felony under Subchapter I of Chapter 13 of Title 21 of the United States Code; that is to say, the defendants **RODRIQUES M. EVANS** and **DOMINIC O. MCCALL** used a telephone in Marshall County to discuss the drug conspiracy charged in Count One; in violation of Title 21, United States Code, Sections 843(b) and 843(d).

**COUNT THREE**

(Use of a communication facility to facilitate a drug offense)

On or about December 2, 2018, in Marshall County, in the Northern District of West Virginia, and elsewhere defendants **RODRIQUES M. EVANS** and **DOMINIC O. MCCALL** knowingly and intentionally used a communication facility in committing and in causing and facilitating the commission of an act constituting a felony under Subchapter I of Chapter 13 of Title 21 of the United States Code; that is to say, the defendants **RODRIQUES M. EVANS** and **DOMINIC O. MCCALL** used a telephone in Marshall County to discuss the drug conspiracy charged in Count One; in violation of Title 21, United States Code, Sections 843(b) and 843(d).

**COUNT FOUR**

(Use of a communication facility to facilitate a drug offense)

On or about February 1, 2019, in Marshall County, in the Northern District of West Virginia, and elsewhere defendants **RODRIQUES M. EVANS** and **DOMINIC O. MCCALL** knowingly and intentionally used a communication facility in committing and in causing and facilitating the commission of an act constituting a felony under Subchapter I of Chapter 13 of Title 21 of the United States Code; that is to say, the defendants **RODRIQUES M. EVANS** and **DOMINIC O. MCCALL** used a telephone in Marshall County to discuss the drug conspiracy charged in Count One; in violation of Title 21, United States Code, Sections 843(b) and 843(d).

**COUNT FIVE**

(Aiding and abetting the distribution of methamphetamine)

On or about March 11, 2019, in Wetzel County, in the Northern District of West Virginia, defendants **AMBER L. BROWN** and **RODRIQUES M. EVANS**, aided and abetted by each other, did unlawfully, knowingly, intentionally, and without authority distribute a mixture and substance containing a detectable amount of methamphetamine, a Schedule II controlled substance, in exchange for \$200.00 in United States currency; in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C), and Title 18, United States Code, Section 2 and *Pinkerton v. United States*, 328 U.S. 646 (1946).

**COUNT SIX**

(Aiding and abetting the distribution of methamphetamine)

On or about April 30, 2019, in Wetzel County, in the Northern District of West Virginia, defendants **AMBER L. BROWN** and **RODRIQUES M. EVANS**, aided and abetted by each other, did unlawfully, knowingly, intentionally, and without authority distribute a mixture and substance containing a detectable amount of methamphetamine, a Schedule II controlled substance, in exchange for \$200.00 in United States currency; in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C), Title 18, United States Code, Section 2 and *Pinkerton v. United States*, 328 U.S. 646 (1946).

**FORFEITURE ALLEGATION**

***Controlled Substance Act***

Pursuant to Title 21, United States Code, Section 853 and United States Code, Sections 841(a)(1) and 846 the government will seek the forfeiture of property as part of the sentence imposed in this case; that is, the forfeiture of any property used, or intended to be used, to commit or to facilitate the commission of the above referenced offense, and any property constituting, or derived from, proceeds obtained directly or indirectly, as a result of such offense. The government will seek forfeiture, including, but not limited to,

- 1) Approximately \$3,570.00 seized during search on or about March 14, 2019, relating to defendant **DOMINIC O. MCCALL**.

A True Bill:

/s/ \_\_\_\_\_  
Grand Jury Foreperson

/s/ \_\_\_\_\_  
**WILLIAM J. POWELL**  
United States Attorney

**ROBERT H. MCWILLIAMS, JR.**  
Assistant United States Attorney

**SHAWN M. ADKINS**  
Assistant United States Attorney